

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TENNESSEE

FILED BY *Of* D.C.

05 OCT 12 AM 9:46

U.S.A. vs. Dennis Leslie McCall

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
Docket No. 2:01CR20226-01  
WD of TN, MEMPHIS

**Petition on Probation and Supervised Release**

COMES NOW Lorin J. Smith, PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Dennis Leslie McCall, who was placed on supervision by the Honorable Julia S. Gibbons, sitting in the Court at Memphis, Tennessee on the 15th day of March, 2002, who fixed the period of supervision at three (3) years with the following special conditions:

- 1.) The defendant shall participate as directed in a program of mental health treatment, including a sexual offender treatment program, approved by the probation officer. You shall abide by the rules, requirements, and conditions of the treatment program which may include submitting to polygraph or plethysmograph testing, as your own expense, to aid in the treatment and supervision process. The results of the polygraph examination may not be used as evidence in Court to prove that a violation of community supervision has occurred but may be considered in a hearing to modify release conditions. Further, the defendant shall be required to contribute to the costs of such treatment in an amount determined reasonable by the probation officer based upon ability to pay or availability of third party payment and in conformance with the Probation Office's Sliding Scale for Mental Health Treatment Services.
- 2.) Defendant's employment much be approved by the Probation Office.
- 3.) Defendant shall not possess pornography.
- 4.) Defendant may not use sexually oriented telephone numbers or services.
- 5.) Any use of a home computer must be approved by the Probation Office.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**  
(If short insert here; if lengthy write on separate sheet and attach)

PLEASE SEE ATTACHED

**PRAYING THAT THE COURT WILL ORDER** that Mr. McCall's Supervised Release be modified to include the special conditions as listed on page 2 of this petition.

**ORDER OF COURT**

Considered and ordered this 11<sup>th</sup> day  
of October, 2005, and ordered filed  
and made a part of the records in the above  
case.

*James J. [Signature]*  
United States District Judge

Respectfully,

*Lorin J. Smith*  
Lorin J. Smith  
U.S. Probation Officer

Place: Memphis, Tennessee

Date: September 23, 2005

**RE: Dennis Leslie McCall**  
**Docket Number: 2:01CR20226-01**  
**Page 2**

Mr. McCall was convicted of Travel in Interstate Commerce for the Purpose of Engaging in a Sexual Act With a Person Under 18 Years of Age. His conviction results from his use of an on-line chat room to arrange a meeting with a person under the age of 18 for the purposes of having sex.

Mr. McCall lives in a home with his wife and children. One of Mr. McCall's children is a college student and requires access to the Internet at home. Until recently there has not been any Internet access through the computer that Mr. McCall owns. In order to better supervise Mr. McCall's actions regarding internet use the Probation Office recommends that the following be added to Mr. McCall's conditions of Supervised Release:

- 1.) The defendant shall not possess, or use, a computer with access to any "on-line computer service" at any location without the prior approval of the probation officer. This includes any Internet Service Provider, bulletin board system or any other public or private network or e-mail system.
- 2.) The defendant shall submit to routine inspection and be subject to examinations conducted by the Probation Officer or Law Enforcement, without a warrant, of his computer system, hard drives, and other medial storage material. Failure to submit to such a search may be grounds for revocation.
- 3.) Defendant shall submit to search of person, residence, and vehicle, without a warrant, conducted by the United States Probation Office. Failure to submit to such a search may be grounds for revocation,

Mr. McCall has signed the attached Probation Form 48, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, indicating his willingness to have the special conditions added.

for the

**Western District of Tennessee**

**Waiver of Hearing to Modify Conditions of  
Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

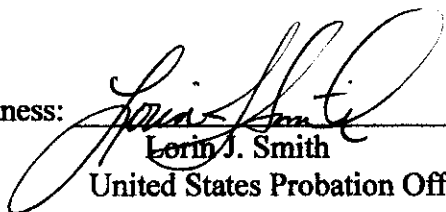
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall not possess, or use, a computer with access to any "on-line computer service" at any location without the prior approval of the probation officer. This includes any Internet Service Provider, bulletin board system or any other public or private network or e-mail system.

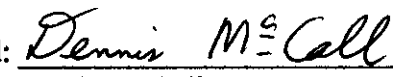
The defendant shall submit to routine inspection and be subject to examinations conducted by the Probation Officer or Law Enforcement, without a warrant, of his computer system, hard drives, and other medial storage material. Failure to submit to such a search may be grounds for revocation.

The defendant shall submit to search of person, residence and vehicle, without a warrant, conducted by the United States Probation Office. Failure to submit to such a search may be grounds for revocation.

Witness:

  
Lorin J. Smith  
United States Probation Officer

Signed:

  
Dennis McCall  
Probationer/Supervised Releasee

9/6/05

Date



## Notice of Distribution

This notice confirms a copy of the document docketed as number 52 in case 2:01-CR-20226 was distributed by fax, mail, or direct printing on October 12, 2005 to the parties listed.

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Dan Newsom  
U.S. ATTORNEY'S OFFICE  
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Ste. 800  
Memphis, TN 38103

Honorable Bernice Donald  
US DISTRICT COURT